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ANNO DECIMO-NONO ET VICESIMO
VICTORIÆ REGINÆ.

CAP. XLIV.

An Act to amend the Militia Law.

[Assented to 19th June, 1856.]

WHEREAS it is expedient to amend the Act passed in the Preamble.
eighteenth year of Her Majesty's Reign, and intituled, 18 V. c. 77.
An Act to regulate the Militia of this Province, and to repeal
the Acts now in force for that purpose : Therefore, Her Majesty,
by and with the advice and consent of the Legislative Council
and Assembly of Canada, enacts as follows :

I. Notwithstanding any thing in the Act cited in the Preamble to this Act, the Commander in chief may from time to time, by any Militia General Order, alter the division of the Province into Military Districts, and may, if he shall see fit, increase the number of such Districts beyond the number of nine in either portion of the Province ; and to the Military Districts to be so constituted all the provisions of the said Act shall apply, and a Colonel and proper staff Officers may be appointed in each of them. Number of Military Districts may be increased in either part of the Province.

II. Notwithstanding any limitation in the said Act of the number of Volunteer Companies or Corps, or of the number of men therein, the Commander in Chief may accept the services of any greater number of Volunteers and may form them into Companies or Corps, provided that no greater number of Volunteer Companies, Corps or men than that limited by the said Act, shall receive pay or allowances, except on actual service, in time of war or insurrection : And the Volunteer Companies and Corps receiving pay shall be known as Class A, and those receiving no pay as Class B ; and whenever the number of Companies or Corps or men in Class A shall fall short of that limited by the said Act, the deficiency may be supplied by Unpaid Volunteers may be formed.
Unpaid Volunteers may become paid Corps, as vacancies occur.
removing

Proviso: other provisions of 18 V. c. 77, to apply to them.

removing the proper number from Class B into Class A ; Provided always, that in all respects, except as to pay and allowances, the provisions of the said Act shall apply in like manner to the Volunteer Companies, Corps and men in both Classes.

Governor may dispense with annual muster, and again require it.

III. The Commander in Chief may, by any Militia General Order, dispense with the Annual General Muster of the Sedentary Militia in either Section of the Province, either in any particular year or until further order, and may in like manner again direct such muster to be held, if he shall see fit, and any such order shall have the force of law according to the terms thereof.

Surgeons, &c., may be appointed to Militia.

IV. The Commander in Chief may appoint to all Militia Regiments, Companies or Corps, the proper number of Surgeons, Assistant Surgeons and Veterinary Surgeons.

Provision if the muster day falls on a Sunday.

V. In amendment of the sixth section of the said Act, Be it enacted and declared, That in case the Muster Day for the Sedentary Militia, as fixed by Law, shall happen to fall on a Sunday, the day following such Sunday shall be deemed to be the day of Muster in Lower as well as in Upper Canada.

Oath of Allegiance not required of British born Subjects.

VI. And in explanation of the forty-fifth Section of the said Act, it is declared and enacted, That it is not and shall not be necessary that any person should take the oath of allegiance in order to qualify him to be an Officer in the Militia, unless he be by birth an Alien.

Section 46 of the said Act declared to apply to Battalions embodied in 1837, 1838, 1846 and 1847.

VII. And to avoid doubts under the forty-sixth Section of the said Act, It is declared and enacted, That the said Section applies to and includes the Battalions embodied in the years one thousand eight hundred and thirty-seven, one thousand eight hundred and thirty-eight, one thousand eight hundred and forty-six and one thousand eight hundred and forty-seven, in the Cities of Quebec and Montreal, and that the said battalions are still lawfully embodied, and Commissions in them are valid under the said forty-sixth Section ; and the said Battalions are subject to all the provisions of the said Act as Sedentary Militia, and may be called out as such by the Commander in Chief under the said Act.

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